

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

Kenneth W. Abbott, *et al.*,

Plaintiffs,

*versus*

BP Exploration and Production Inc., *et al.*,

Defendants.

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Civil Action H-09-cv-01193

Jury Demanded

**ABBOTT AND FWW STATUS REPORT**

Plaintiffs United States of America *ex rel.* Kenneth W. Abbott, Kenneth W. Abbott, individually, and Food & Water Watch, Inc., submit this Status Report in response to the Court's March 25, 2013 Order, Doc. 420.

Kenneth Abbott filed his original complaint against BP for violations of the False Claims Act in April 2009, approximately one year before the explosion on the Deepwater Horizon; Abbott's allegations pertain to a different BP facility—the Atlantis.

**1. Ready for Trial**

Subject to the Court's ruling on pending dispositive motions, Abbott and FWW are ready for trial and estimate that presentation of plaintiffs' direct case on all claims would require four days. This estimate does not include time required for pre-trial arguments on objections to evidence, *Daubert* motions, or similar procedural or evidentiary disputes. The parties need four weeks before trial begins to (1) notify, subpoena, and schedule trial witnesses; (2) confer with BP regarding required pre-trial materials; and (3) exchange witness lists, exhibit lists, and exhibits.

**2. Settlement Efforts**

Abbott and FWW sent a settlement demand to BP on January 5, 2012. BP has never responded. Also in January 2012, the United States Department of Justice offered

to broker a settlement between the parties. We agreed to participate but understand that BP declined.

Date: April 3, 2013

Respectfully submitted,

By: */s/ Mikal C. Watts*

Mikal C. Watts  
State Bar No. 20981820  
Federal Bar No. 12419  
Four Dominion Drive,  
Bldg. 3, Suite 100  
San Antonio, Texas 78257  
Telephone: (210) 447-0500  
Facsimile: (210) 447-0501  
[MCWatts@wattsguerra.com](mailto:MCWatts@wattsguerra.com)

**ATTORNEY-IN-CHARGE FOR  
PLAINTIFFS**

**OF COUNSEL:**

**WATTS GUERRA LLP**  
Christopher V. Goodpastor  
State Bar No. 00791991  
Federal Bar No. 18505  
[CGoodpastor@wattsguerra.com](mailto:CGoodpastor@wattsguerra.com)  
Francisco Guerra IV  
State Bar No. 00797784  
Federal Bar No. 22568  
[fguerra@wattsguerra.com](mailto:fguerra@wattsguerra.com)  
Edward W. Allred  
State Bar No. 50511764  
Federal Bar No. 22973  
[eallred@wattsguerra.com](mailto:eallred@wattsguerra.com)  
Emily C. Jeffcott  
State Bar No. 24069993  
Federal Bar No. 1069933  
[EJeffcott@wattsguerra.com](mailto:EJeffcott@wattsguerra.com)  
811 Barton Springs Road  
Suite 725  
Austin, Texas 78704  
Telephone: (512) 381-1964  
Facsimile: (512) 479-0502

**PERRY & HAAS**  
David L. Perry  
State Bar No. 15800000  
Federal Bar No. 5685  
[dlperry-business@perryhaas.com](mailto:dlperry-business@perryhaas.com)  
René Haas  
State Bar No. 21406800  
Federal Bar No. 5680  
[RHaas@perryhaas.com](mailto:RHaas@perryhaas.com)  
P.O. Box 1500  
Corpus Christi, Texas 78403  
Telephone: (361) 880-7500  
Facsimile: (361) 887-9507

**LAW OFFICE OF MARY M. WHITTLE**  
Mary M. Whittle  
DC Bar No. 973916  
TX State Bar No. 24033336  
PA Bar No. 313316  
[mw@marywhittlelaw.com](mailto:mw@marywhittlelaw.com)  
P.O. Box 892  
Chadds Ford, PA 19317  
Telephone: (610) 285-7499

**MALLETT SAPER BERG, LLP**  
Edward A. Mallett  
State Bar No. 1283000  
Federal Bar No. 442  
[Edward@mgsounsel.com](mailto:Edward@mgsounsel.com)  
JPMorgan Chase Tower  
600 Travis St., Suite 1900  
Houston, Texas 77002  
Telephone: (713) 236-1900  
Facsimile: (713) 228-0321

**HOGAN & HOGAN**  
Richard P. Hogan, Jr.  
State Bar No. 09802010  
Federal Bar No. 8026  
[rhogan@hoganfirm.com](mailto:rhogan@hoganfirm.com)  
Jennifer Bruch Hogan  
State Bar No. 03239100  
Federal Bar No. 7187  
[jhogan@hoganfirm.com](mailto:jhogan@hoganfirm.com)  
909 Fannin, Suite 2700  
Houston, Texas 77010  
Telephone: (713) 222-8800  
Facsimile: (713) 222-8810

**CERTIFICATE OF SERVICE**

I hereby certify that on this the 3rd day of April 2013, a true and correct copy of the foregoing document was filed with the Court's ECF system and was served via electronic means through transmission facilities from the Court upon those parties authorized to participate and access the Electronic Filing System for the Southern District of Texas.

*/s/ Mikal C. Watts*  
Mikal C. Watts